

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 26, 2005

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB2630 by Hill (Relating to procedures regarding the removal and storage of vehicles.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code, Occupations Code, and Government Code as it relates to procedures regarding the removal and storage of vehicles.

Section 1 of the bill would amend the Transportation Code to allow a law enforcement agency to use agency personnel or contract for other personnel to send notice regarding and dispose of an abandoned motor vehicle, watercraft, or outboard motor taken into custody.

Section 2 of the bill would amend the Transportation Code to require a garagekeeper to report to the law enforcement agency with jurisdiction where the vehicle is located, or the Department of Public Safety (DPS), the abandonment of a motor vehicle. The bill would increase the fee currently paid by the garagekeeper to the law enforcement agency for the cost of notice and disposing of the vehicle from \$5 to \$10.

Section 3 of the bill would amend the Transportation Code to define custody to mean physical custody of the vehicle or notice to the storage facility that the law enforcement agency intends to dispose of the vehicle. The bill would also require that the proceeds from the sale of an abandoned vehicle be first applied to a garagekeeper's charges for towing and impoundment in addition to service, storage, and repair of the vehicle. The bill would also allow the storage facility to dispose of the vehicle if the law enforcement agency does not take the vehicle into custody before the 31st day after the vehicle was reported abandoned.

Section 4 of the bill would require that hearings be held in the justice court having jurisdiction in the precinct in which the vehicle storage facility is located.

Section 5 of the bill would modify the contents of the notice issued to include the person, property owner, or law enforcement agency that authorized the removal of the vehicle and the name, address, and telephone number of the justice court having jurisdiction in the precinct in which the vehicle storage facility is located.

Section 6 of the bill would increase the filing fee a court is authorized to charge from \$10 to \$20.

Section 7 of the bill would change the day in which a hearing is required to be held from the seventh to the tenth working day after the court receives notice. Notice for the hearing must be sent via registered or certified mail and must include a copy of the request for a hearing.

Section 8 of the bill amends the Transportation Code to allow for appeals.

Section 10 of the bill would amend the Occupations Code by adding a section that would allow the operator of a vehicle storage facility to consider a vehicle abandoned and send notice to a law enforcement agency if the vehicle is not claimed before the tenth day after the notice was sent out.

Section 11 of the bill would amend the Occupations Code to be consistent with the Transportation Code with regard to the fee collected by the clerk of a justice court for hearing on probable cause for removal of a vehicle and placement in a storage facility. Operators of a vehicle storage facility or governmental vehicle storage facility may charge a fee, but not for more than five days before the date the notice is mailed, published, or request for owner information is sent to the appropriate governmental entity, regardless if the vehicle is registered in this or another state.

Section 12 of the bill would require the operator of a vehicle storage facility to accept payment by electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle.

Sections 13 and 14 of the bill would amend the Government Code to be consistent with the Transportation Code with regard to the fee collected by the clerk of a municipal court for hearing on probable cause for removal of a vehicle and placement in a storage facility.

The bill would be effective September 1, 2005, and apply only to the procedures for the removal of a vehicle to a vehicle storage facility or the seizure of a vehicle on or after the effective date of the act. Although the bill would change certain fees, the increase in revenue is not expected to be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. Local governments would see some small gains in revenue if the provisions of the bill were implemented.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JOB, SD, SR, VDS, SJ, KJG, LM